



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
HARRISBURG, PENNSYLVANIA

Brian - pls file.

RECEIVED

APR 12 2001

**EPA, REGION III
OFFICE OF REGIONAL ADMINISTRATOR**

OFFICE OF
SECRETARY OF TRANSPORTATION

April 9, 2001

Margo T. Oge, Director
Office of Transportation and Air Quality (6401A)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, DC 20460

Dear Ms. Oge:

Pennsylvania recently began the process of implementing final cutpoints for the Acceleration Simulation Mode (ASM) testing being conducted in the five County Philadelphia Pennsylvania areas. As you may be aware, the cutpoints (both phase-in and proposed final) used in the Pennsylvania program are based on guidance provided by EPA in June 1996 prior to the start of Pennsylvania's enhanced I/M program in 1997. We have begun the implementation process cautiously based on EPA's most current recommendation in the ASM final guidance document dated July 2000 and based on very significant concerns the impacts could have on customers, especially false failures on older vehicles.

The Commonwealth is currently in litigation with an environmental group concerning our failure to implement the final cutpoints all at once. Pennsylvania and other states have previously expressed concerns to EPA about the accuracy of the cutpoints for some of the model years. To that end, we provided actual test data to EPA's technical group in Ann Arbor, Michigan. This data showed emission levels for a portion of the Pennsylvania test fleet and compared failure rates against phase-in cutpoints and potential failure rates, for the same group of vehicles, under final cutpoints. It is my understanding that EPA has been evaluating this data as well as similar data from other states. Therefore I am requesting EPA's intention and guidance regarding final cutpoints for all model year vehicles subject to the ASM test. Due to the criticality of this issue, I ask that you provide me with a written response by April 13, 2001.

I apologize for the short time frame. However, recent events dictate that this information is an important component of decision making related to the above referenced litigation. Thank you for your prompt attention to this matter

Sincerely,

Betty L. Serian

Betty L. Serian
Deputy Secretary
Safety Administration

April 9, 2001

Margo T. Oge, Director
Office of Transportation and Air Quality (6401A)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, DC 20460

Dear Ms. Oge:

Pennsylvania recently began the process of implementing final cutpoints for the Acceleration Simulation Mode (ASM) testing being conducted in the five County Philadelphia Pennsylvania areas. As you may be aware, the cutpoints (both phase-in and proposed final) used in the Pennsylvania program are based on guidance provided by EPA in June 1996 prior to the start of Pennsylvania's enhanced I/M program in 1997. We have begun the implementation process cautiously based on EPA's most current recommendation in the ASM final guidance document dated July 2000 and based on very significant concerns the impacts could have on customers, especially false failures on older vehicles.

The Commonwealth is currently in litigation with an environmental group concerning our failure to implement the final cutpoints all at once. Pennsylvania and other states have previously expressed concerns to EPA about the accuracy of the cutpoints for some of the model years. To that end, we provided actual test data to EPA's technical group in Ann Arbor, Michigan. This data showed emission levels for a portion of the Pennsylvania test fleet and compared failure rates against phase-in cutpoints and potential failure rates, for the same group of vehicles, under final cutpoints. It is my understanding that EPA has been evaluating this data as well as similar data from other states. Therefore I am requesting EPA's intention and guidance regarding final cutpoints for all model year vehicles subject to the ASM test. Due to the criticality of this issue, I ask that you provide me with a written response by April 13, 2001.

I apologize for the short time frame. However, recent events dictate that this information is an important component of decision making related to the above referenced litigation. Thank you for your prompt attention to this matter

Sincerely,

Betty L. Serian
Deputy Secretary
Safety Administration

Cc:

Robert D. Brenner
Thomas C. Voltaggio
John Munafo
Office Copy